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Education Council  
April 5, 2005  
2:45 - 3:45 p.m.  
Morris Hall

Meeting Packet

# ***FLORIDA HOUSE OF REPRESENTATIVES***

*Allan G. Bense, Speaker*

Education Council

Dennis Baxley  
Chair

Ralph Arza  
Vice Chair

**Meeting Agenda  
Tuesday, April 5, 2005  
2:45 – 3:45 PM  
Morris Hall**

**I. Opening Remarks by Chair Baxley**

**II. Roll Call**

**III. Workshop on the following:**

**HB 837 by Representative Baxley--Student and  
Faculty Academic Freedom in Postsecondary  
Education**

**IV. Presentation by David Horowitz**

**V. Closing Comments / Meeting Adjourned**



HB 837

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A bill to be entitled

An act relating to student and faculty academic freedom in postsecondary education; amending s. 1002.21, F.S.; providing student rights to academic freedom; creating s. 1004.09, F.S.; providing a postsecondary student and faculty academic bill of rights; specifying student, faculty, and instructor rights; requiring the dissemination of copies of the act to state universities and community colleges; providing an effective date.

WHEREAS, the principles enumerated in this act fully apply only to public postsecondary institutions, and nothing in this act shall be construed as interfering with the right of a private postsecondary institution to restrict academic freedom on the basis of creed or belief, and

WHEREAS, the central purposes of a postsecondary institution are the pursuit of truth, the discovery of new knowledge through scholarship and research, the study and reasoned criticism of intellectual and cultural traditions, the teaching and general development of students to help them become creative individuals and productive citizens of a pluralistic democracy, and the transmission of knowledge and learning to society at large, and

WHEREAS, free inquiry and free speech within the academic community are indispensable to the achievement of these central purposes which reflect the values of pluralism, diversity, opportunity, critical intelligence, openness, and fairness that are the cornerstones of American society, and

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29        WHEREAS, the freedoms to teach and to learn depend upon the  
30        creation of appropriate conditions and opportunities on the  
31        campus as a whole as well as in the classrooms and lecture  
32        halls, and

33        WHEREAS, academic freedom is indispensable to American  
34        postsecondary education and, from its first formulation in the  
35        General Report of the Committee on Academic Freedom and Tenure  
36        of the American Association of University Professors, the  
37        concept of academic freedom has been premised on the idea that  
38        human knowledge is the pursuit of truth and that there is no  
39        humanly accessible truth that is not in principle open to  
40        challenge, and

41        WHEREAS, academic freedom is most likely to thrive in an  
42        environment that protects and fosters independence of thought  
43        and speech and, in the words of the general report, it is vital  
44        to protect as "the first condition of progress, [a] complete and  
45        unlimited freedom to pursue inquiry and publish its results,"  
46        and

47        WHEREAS, because free inquiry and its fruits are crucial to  
48        the democratic enterprise itself, academic freedom is a national  
49        value as well, and

50        WHEREAS, in *Keyishian v. Board of Regents of the University*  
51        of the State of New York, a historic 1967 decision, the Supreme  
52        Court of the United States overturned a New York State loyalty  
53        provision for teachers with the words, "Our Nation is deeply  
54        committed to safeguarding academic freedom, [a] transcendent  
55        value to all of us and not merely to the teachers concerned,"  
56        and

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57        WHEREAS, in Sweezy v. New Hampshire (1957), the Supreme  
58        Court of the United States observed that the "essentiality of  
59        freedom in the community of American universities [was] almost  
60        self-evident," and

61        WHEREAS, academic freedom consists of protecting the  
62        intellectual independence of professors, researchers, and  
63        students in the pursuit of knowledge and the expression of ideas  
64        from interference by legislators or authorities within the  
65        institution itself, meaning that no political or ideological  
66        orthodoxy should be imposed on professors and researchers  
67        through the hiring, tenure, or termination process or through  
68        any other administrative means by the academic institution nor  
69        should legislators impose any such orthodoxy through the control  
70        of postsecondary institution budgets, and

71        WHEREAS, from the first statement on academic freedom, it  
72        has been recognized that intellectual independence means the  
73        protection of students as well as faculty from the imposition of  
74        any orthodoxy of a political or ideological nature, and

75        WHEREAS, the General Report of the Committee on Academic  
76        Freedom and Tenure of the American Association of University  
77        Professors admonished faculty to avoid "taking unfair advantage  
78        of the student's immaturity by indoctrinating him with the  
79        teacher's own opinions before the student has had an opportunity  
80        fairly to examine other opinions upon the matters in question,  
81        and before he has sufficient knowledge and ripeness of judgment  
82        to be entitled to form any definitive opinion of his own," and

83        WHEREAS, in 1967, the American Association of University  
84        Professors' Joint Statement on Rights and Freedoms of Students

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reinforced and amplified this injunction by affirming the inseparability of "the freedom to teach and freedom to learn" and, in the words of the joint statement, "Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion," and

WHEREAS, the academic criteria of the scholarly profession should include reasonable scholarly options within the areas of discipline, and

WHEREAS, the value of the life of the mind was articulated by Thomas Jefferson when he stated, "We are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it," and

WHEREAS, the education of the next generation of leaders should contain rigorous and balanced exposure to significant theories and thoughtful viewpoints, and students should be given the knowledge and background that empowers them to think for themselves, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) is added to section 1002.21, Florida Statutes, to read:

1002.21 Postsecondary student and parent rights.--

(7) STUDENT ACADEMIC FREEDOM.--As detailed in s. 1004.09, students have rights to a learning environment in which they have access to a broad range of serious scholarly opinion, to be graded without discrimination on the basis of their political or

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religious beliefs, and to a viewpoint-neutral distribution of student fee funds.

Section 2. Section 1004.09, Florida Statutes, is created to read:

1004.09 Postsecondary student and faculty academic bill of rights.--

(1) Students have a right to expect a learning environment in which they will have access to a broad range of serious scholarly opinion pertaining to the subjects they study. In the humanities, the social sciences, and the arts, the fostering of a plurality of serious scholarly methodologies and perspectives should be a significant institutional purpose.

(2) Students have a right to expect that they will be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects they study and that they will not be discriminated against on the basis of their political or religious beliefs.

(3) Students have a right to expect that their academic freedom and the quality of their education will not be infringed upon by instructors who persistently introduce controversial matter into the classroom or coursework that has no relation to the subject of study and serves no legitimate pedagogical purpose.

(4) Students have a right to expect that freedom of speech, freedom of expression, freedom of assembly, and freedom of conscience of students and student organizations will not be infringed upon by postsecondary administrators, student



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government organizations, or institutional policies, rules, or procedures.

(5) Students have a right to expect that their academic institutions will distribute student fee funds on a viewpoint-neutral basis and will maintain a posture of neutrality with respect to substantive political and religious disagreements, differences, and opinions.

(6) Faculty and instructors have a right to academic freedom in the classroom in discussing their subjects, but they should make their students aware of serious scholarly viewpoints other than their own and should encourage intellectual honesty, civil debate, and critical analysis of ideas in the pursuit of knowledge and truth.

(7) Faculty and instructors have a right to expect that they will be hired, fired, promoted, and granted tenure on the basis of their competence and appropriate knowledge in their fields of expertise and will not be hired, fired, denied promotion, or denied tenure on the basis of their political or religious beliefs.

(8) Faculty and instructors have a right to expect that they will not be excluded from tenure, search, or hiring committees on the basis of their political or religious beliefs.

(9) Students, faculty, and instructors have a right to be fully informed of their rights and their institution's grievance procedures for violations of academic freedom by means of notices prominently displayed in course catalogs and student handbooks and on the institutional website.

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167        Section 3. The Chancellor of Colleges and Universities  
168 shall provide a copy of the provisions of this act to the  
169 president of each state university. The Chancellor of Community  
170 Colleges and Workforce Education shall provide a copy of the  
171 provisions of this act to the president of each community  
172 college.

173        Section 4. This act shall take effect July 1, 2005.

**States With Bills  
Relating To Academic  
Freedom**

## SAF Actions

California

**Colorado**

Florida

**Georgia**

**Illinois**

**Indiana**

**Maine**

**Massachusetts**

**Minnesota**

**Missouri**

**New York**

**North Carolina**

**Ohio**

**Pennsylvania**



**Rhode Island**

**Tennessee**

**Washington**

**National**

**News Clips Relating To  
HB 837**

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Read Sara Dogan's response to this article [here](#)

## Bill Seeks to Protect Students from Liberal Bias

By Joe Follick--Florida Herald Tribune--02/25/05

TALLAHASSEE -- Battling what he calls a "quiet prejudice" against conservative views on university campuses, a Florida lawmaker is proposing a "bill of rights" that some claim is an effort to stifle the academic freedoms the bill seeks to protect.

Rep. Dennis Baxley, R-Ocala, filed House Bill 837 after he attended a meeting last year in St. Louis at which well-known conservative activist David Horowitz railed against liberal biases on campus toward professors and students.

Baxley's bill borrows heavily from a template used in similar bills filed nationwide with the help of Horowitz's group, Students for Academic Freedom.

The bill may bring a national debate to Florida. The liberal group People For The American Way has put Students for Academic Freedom on its "Right Wing Watch," saying Horowitz has called universities "indoctrination centers for the political left."

SAF's Web site counters with accusations of universities blacklisting conservatives from teaching positions.

The bill's odds of success are unknown, but they're aided by Baxley's sponsorship. He is the chair of House's Education Council. And this week, Gov. Jeb Bush said Baxley was one of his closest allies in the Legislature.

Baxley's House Bill 837 promises to protect "free inquiry and free speech within the academic community."

A portion of the bill says that students should not have their academic freedom "infringed upon by instructors who persistently introduce controversial matter into the classroom that has no relation to the subject of study and serves no legitimate pedagogical purpose."

Baxley said that simply means a science professor should stick to that topic and not let any digressions into other matters affect the class.

"I don't think it's the fact that (class discussion) is controversial that's the problem. The problem is inappropriate forums," Baxley said. "If the course is labeled as a political discourse on the evils of capitalism, you expect that."

Baxley said he has no specific examples of problems in Florida beyond anecdotes. But he sees a trend of liberal proselytization on campuses. "What used to be an image in our universities as a place of open dialogue has moved to where we have a niche of totalitarianism almost where if you don't give the right answer (to meet the professor's political bent), you're out of the class or you get your grade knocked down," he said.

Baxley says the bill would cut both ways, for example, protecting a pro-choice student from retribution if he disagreed with a professor's pro-life stances.

But the bill worries academics who fear its true intent is to hinder any discourse out of the mainstream.

Pierre Ramond, chairman of the University of Florida faculty senate, said the bill is "dangerous."

"I think this is kind of an attempt to legislate what professors can and cannot say," said Ramond, a physics professor and director of the Institute for Fundamental Theory. Ramond said the fuzzy definition of "controversial" is the bill's

largest problem.

"What's controversial? Who says it has no relationship to the subject of study? Who will tell if something has no 'legitimate pedagogical purpose?' There are too many things the bill wants to define," Ramond said.



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## Letter to Florida Herald Tribune

To the editor,

As the National Campus Director of Students for Academic Freedom, the organization responsible for the Academic Bill of Rights which inspired Florida House Bill 837, I wish to answer some of the criticisms of this Bill in your recent article ("Bill Seeks to Protect Students for Liberal Bias," 02/25).

The article notes that "academics" fear that its "true intent is to hinder any discourse out of the mainstream" and quotes the chairman of the University of Florida Faculty Senate, Pierre Raymond, as stating that the bill is dangerous and questioning who will decide what is controversial or has no "legitimate pedagogical purpose."

Firstly, the text of the Bill makes clear that far from limiting discourse in the classroom, its intent is to expand the range of discussion and promote greater intellectual diversity. What HB 837 actually says is that "Faculty and instructors have a right to academic freedom in the classroom in discussing their subjects, but they should make their students aware of serious scholarly viewpoints other than their own."

It is also clear from the actual language of the bill that the authority to decide which views are considered relevant to the subject of study will lie with the University. All of the standards referenced in the bill are scholarly ones. Furthermore, the bill's language deliberately echoes that of the American Association of University Professors which defined the concept of academic freedom in America over the past century. If Florida's academics have an issue with the wording of House Bill 837, then they should express their disagreement with the AAUP's conception of academic freedom, which served as the inspiration for the Academic Bill of Rights.

Sincerely,  
Sara Dogan  
National Campus Director  
Students for Academic Freedom

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**Editor's Note:** read the response to this article from Sara Dogan [here](#).

## Bill a Sign of Lessons Unlearned

Editorial from the St. Petersburg Times (FL)--03/11/05

Not sufficiently content with political intrigue in the state Capitol, House Education Chairman Dennis Baxley now wants to spread some to university campuses. His "student academic freedom" bill is a cookie-cutter version of one that conservative California activist David Horowitz is pushing around the country, and it is designed to put professors on notice.

"Students have a right," the bill intones, "to expect that their academic freedom and the quality of their education will not be infringed upon by instructors who persistently introduce controversial matter into the classroom . . . that serves no legitimate pedagogical purpose."

Presumably, Baxley would summon Horowitz to campuses to decide which matters are "controversial" and serve "no legitimate pedagogical purpose." Or maybe Baxley, an Ocala funeral director, plans to leave all that to the lawyers, as aggrieved students end up suing their professors for impolitic remarks. Think neurosurgeons have a hard time getting malpractice insurance? Wait until professors can be sued by students who are offended by the notion that George Washington was a great president.

The potential impact on faculty recruitment is obvious, and the American Association of University Professors already has denounced the Horowitz code. "The danger of such guidelines," the association writes, "is that they invite diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession."

That much is obvious, and this bill might be dismissed as nothing more than a source for legislative amusement except that its sponsor, Baxley, is the House's education leader. As such, his endorsement might also be seen as reflecting the views of the speaker, Allan Bense. But no one who approaches the issue with any critical thought can possibly believe that lawmakers should be trusted to referee campus debates. Three years ago, voters created a university Board of Governors in an attempt to prevent just such political interference.

In the 1950s and '60s, Florida gained notoriety for a legislative witch hunt, known as the Johns Committee, that searched campuses for homosexuals, Communists and civil rights sympathizers. Surely lawmakers don't want to go down that road again.

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## Letter to the St. Petersburg Times

To the Editor:

As the National Campus Director of Students for Academic Freedom, the organization responsible for the Academic Bill of Rights which inspired Florida House Bill 837, I wish to respond to the many mischaracterizations of the Bill in **your recent editorial** ("Bill a Sign of Lessons Unlearned," 03/11).

Your editorial alleges that our bill would lead to numerous lawsuits "as aggrieved students end up suing their professors for impolitic remarks" and quotes the AAUP as claiming that the bill invites "diversity to be measured by political standards that diverge from the academic criteria of the scholarly profession."

These charges bear little or no relation to the facts. The Times' concern about lawsuits is puzzling. Florida's public universities already have elaborate grievance procedures available for students who feel they have been discriminated against due to their sex, race, sexual orientation, or numerous other characteristics. Does the existence of these grievance procedures continually spark frivolous lawsuits? Has the St. Petersburg Times editorialized against these diversity policies on similar grounds?

The AAUP's claim that the bill invites diversity to be measured by "political standards," on the other hand, is simply false. This is a fact that can be checked by reading the bill, which clearly states: "Faculty and instructors have a right to academic freedom in the classroom in discussing their subjects, but they should make their students aware of serious scholarly viewpoints other than their own" (emphasis added). Far from requiring diversity to be measured by political standards, the only standards referenced in the bill are those of the "scholarly" community.

The Rules of the Department of Education for the University of Florida even refer to this obligation noting that "Consistent with the exercise of academic responsibility, a teacher must have freedom in the classroom in discussing academic subjects, selecting instructional materials and determining grades. The University student must likewise have the opportunity to study a full spectrum of ideas, opinions, and beliefs, so that the student may acquire maturity for analysis and judgment. Objective and skillful exposition of such matters is the duty of every instructor."

Florida's academic community should welcome the passage of HB 837 as an organic extension of the existing philosophy and university policies on academic freedom.

Sincerely,

Sara Dogan  
National Campus Director  
Students for Academic Freedom

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## The Problem with America's Colleges and The Solution

By David Horowitz

FrontPageMagazine.com | September 3, 2002

Universities are among our most important social institutions. They educate our youth, train future leaders, provide information and research, advance scientific and medical knowledge, generate technological innovation, and shape the attitudes that define us as a people. Yet universities are also anomalies in our national framework. Vital as they are to the functioning of our democracy, they are themselves undemocratic.

Overall, there is little or no accountability on the part of these institutions to the wider community that supports them and underwrites the affluence to which their principals have become accustomed. Whether private or public, whether operating under the aegis of state-appointed boards or private corporations, universities are effectively ruled by internal bureaucracies, which operate under a cloak of secrecy and are protected from oversight by privileges and traditions that date back to feudal times.

Thus, academic hiring committees are elitist and self-selecting, and function like medieval guilds to insulate themselves from external scrutiny. Once an academic hire is made, faculty "tenure" provides lifetime employment to the competent and the incompetent, the scholar and the ideologue alike. This means that outside the hard sciences and practical professions, there is no bottom-line in the university for bad ideas or discredited doctrines. Working in combination with these academic realities, the tolerant attitudes of a free society have made it possible for ideological minorities in the social sciences and related fields to enforce a political conformity otherwise incomprehensible in a modern democracy.

As a result, while the red and blue electoral map reveals an America that is almost evenly divided between Republicans and Democrats, in the nation's universities Republicans (and conservatives) have become almost as rare as unicorns. In most schools, Republicans are less well represented than Greens, Marxists and sects of the far left. This is an indefensible situation with far-reaching implications.

"Diversity" may be one of the contemporary university's most cherished values, but university officials with near universality have interpreted diversity to mean anything but a plurality of viewpoints — arguably the most important diversity of all. What is knowledge if it is thoroughly one-sided, or intellectual freedom if it is only freedom to conform? And what is a "liberal education," if one point of view is for all intents and purposes excluded from the classroom? How can students get a good education, if they are only being told one side of the story? The answer is they can't. Even for \$30,000 a year.

In the spring of 2002, a dinner was held at Harvard to celebrate the 20th anniversary of the Salient, a conservative campus paper not supported by the university. One of the dinner speakers was the Salient's lone faculty sponsor, Professor Harvey Mansfield — so notorious for being the only outspoken conservative at Harvard that this oddity was the focus of a New York Times feature story. The other speaker was National Review managing editor Jay Nordlinger, whose talk was titled, "The Conservative on Campus." I attended the University of Michigan, class of '86. To say the place was soaked in political correctness is to say too little. You got the clear sense that if you weren't careful in what you said or did things could turn out badly for you. Ideology — not scholarship, not learning — was king on that campus ("dictator" would be a better word.)

A fellow student who took chemistry, physics, and the other hard sciences came back to the dorm one day to say that one of his instructors had spent the whole session talking up the Communist guerrillas in El Salvador. This was in math or some similar subject. Professors and — even more — teaching assistants were using their lecterns as political podiums. They were proselytizing and indoctrinating. I thought this was wrong — quite apart from my own political beliefs, which were just forming. I thought: "You know, I wouldn't do this, if I had this power, this responsibility — the academic lectern."

Political indoctrination in the classroom and the exclusion of conservatives from college faculties are violations of academic freedom and an offense to the very concept of a liberal education. The introduction of political agendas into the curriculum is a product of forces unleashed in the 1960s, which have consciously transformed universities into the

political monoliths they have become.

It is time to remind ourselves that not so long ago the consensus of educators was that political indoctrination in the classroom by professors of whatever persuasion was an unacceptable abuse. The 1967 "Joint Statement on Rights and Freedoms of Students" adopted by the American Association of University Professors clearly states that the "freedom to teach and freedom to learn" are inseparable. Responding to a controversy over a course at UC Berkeley in the spring of 2002, UC Chancellor Robert Berdahl said, "It is imperative that our classrooms be free of indoctrination — indoctrination is not education." Unfortunately, there is virtually no college administration today — including that of UC Berkeley — that is willing to defend this student right.

What can be done about the current state of affairs? The answer begins with the recognition that this situation has developed because of the public's inattention to what happens inside the institutions that its tuition fees, tax dollars, and voluntary contributions make possible. The remedy lies first in insisting on greater scrutiny of these institutions, and second on resolving that the abuses will be corrected.

The Center for the Study of Popular Culture in conjunction with other interested organizations is therefore launching a "Campaign for Fairness and Inclusion in Higher Education." Its agenda is to call on university administrations to implement the following five demands:

1. Conduct an inquiry into political bias in the hiring process for faculty and administrators, and seek ways to promote fairness towards — and inclusion of — diverse and under-represented mainstream perspectives;
2. Conduct an inquiry into political bias in the selection of commencement speakers and seek ways to promote fairness towards — and inclusion of — diverse and under-represented mainstream perspectives;
3. Conduct an inquiry into political bias in the allocation of student program funds — including speakers' fees — and seek ways to promote fairness towards and inclusion of diverse and under-represented mainstream perspectives;
4. Institute a zero tolerance policy towards the obstruction of campus speakers and meetings and the destruction of informational literature distributed by campus groups.
5. Adopt a code of conduct for faculty that ensures that classrooms will welcome diverse viewpoints and not be used for political indoctrination, which is a violation of students' academic freedom.

Some may be skeptical of an appeal to university authorities, to solve a problem which they have helped to create. We believe, however, that the principles of fairness and inclusion resonate so deeply with the American people and the American character that they will find a response in the university community. Chancellor Berdahl's statement is evidence of this potential. But because the violation of student and faculty rights has been so long-standing and systemic, we are appealing directly to the trustees and state-appointed governing bodies of these institutions as well.

We call on state legislatures in particular to begin these inquiries at the institutions they are responsible for and to enact practical remedies as soon as possible. We do not think this would pose any significant problem for academic freedom. Quite the contrary. The principle of diversity is well established in federal law and has been accepted by virtually all existing collegiate administrations. By adding the categories of political and religious affiliation to Title IX and other existing legislation, the means are readily available — without jeopardizing the integrity and independence of the university system — to redress an intolerable situation involving illegal and unconstitutional hiring methods along with teaching practices that are an abuse of academic freedom.

*This article is taken from our booklet "You Can't Get a Good Education If They're Only Telling You Half the Story." Copies of the full booklet are available for purchase now by calling 1-800-752-6562; and on FrontPageMagazine.com's online bookstore.*

**Read and Make Comments**

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## In Defense of Intellectual Diversity

By David Horowitz--*The Chronicle of Higher Education*, 02/10/04

*This article by David Horowitz and the two following (Sarah Hebel's "Students for Academic Freedom: A New Campus Movement" and Stanley Fish's "Voice of the Opposition") all appeared in The Chronicle of Higher Education. They represent the ongoing debate over Horowitz's Academic Bill of Rights and fight for intellectual freedom in our institutions of higher learning - The Editors.*

I am the author of the Academic Bill of Rights, which many student governments, colleges and universities, education commissions, and legislatures are considering adopting. Already, the U.S. House of Representatives has introduced a version as legislation, and the Senate should soon follow suit.

State governments are also starting to rally around efforts to protect student rights and intellectual diversity on campuses: In Colorado, the State Senate president, John K. Andrews Jr., has been very concerned about the issue, and State Rep. Shawn Mitchell has just introduced legislation requiring public institutions to create and publicize processes for protecting students against political bias. Lawmakers in four other states have also expressed a strong interest in legislation of their own, based on some version of the Academic Bill of Rights. Students for Academic Freedom is working to secure the measure's adoption by student governments and university administrations on 105 member campuses across the country.

The Academic Bill of Rights is based squarely on the almost 100-year-old tradition of academic freedom that the American Association of University Professors has established. The bill's purposes are to codify that tradition; to emphasize the value of "intellectual diversity," already implicit in the concept of academic freedom; and, most important, to enumerate the rights of students to not be indoctrinated or otherwise assaulted by political propagandists in the classroom or any educational setting.

Although the AAUP has recognized student rights since its inception, however, most campuses have rarely given them the attention or support they deserve. In fact, it is safe to say that no college or university now adequately defends them. Especially recently, with the growing partisan activities of some faculty members and the consequent politicization of some aspects of the curriculum, that lack of support has become one of the most pressing issues in the academy.

Moreover, because I am a well-known conservative and have published studies of political bias in the hiring of college and university professors, critics have suggested that the Academic Bill of Rights is really a "right-wing plot" to stack faculties with political conservatives by imposing hiring quotas. Indeed, opponents of legislation in Colorado have exploited that fear, writing numerous op-ed pieces about alleged right-wing plans to create affirmative-action programs for conservative professors.

Nothing could be further from the truth. The actual intent of the Academic Bill of Rights is to remove partisan politics from the classroom. The bill that I'm proposing explicitly forbids political hiring or firing: "No faculty shall be hired or fired or denied promotion or tenure on the basis of his or her political or religious beliefs." The bill thus protects all faculty members -- left-leaning critics of the war in Iraq as well as right-leaning proponents of it, for example -- from being penalized for their political beliefs. Academic liberals should be as eager to support that principle as conservatives.

Some liberal faculty members have expressed concern about a phrase in the bill of rights that singles out the social sciences and humanities and says hiring in those areas should be based on competence and expertise and with a view toward "fostering a plurality of methodologies and perspectives." In fact, the view that there should be a diversity of methodologies is already accepted practice. Considering that truth is unsettled in these discipline areas, why should there not be an attempt to nurture a diversity of perspectives as well?

Perhaps the concern is that "fostering" would be equivalent to "mandating." The Academic Bill of Rights contains no intention, implicit or otherwise, to mandate or produce an artificial "balance" of intellectual perspectives. That would be impossible to achieve and would create more mischief than it would remedy. On the other hand, a lack of diversity is not all that difficult to detect or correct.

By adopting the Academic Bill of Rights, an institution would recognize scholarship rather than ideology as an appropriate academic enterprise. It would strengthen educational values that have been eroded by the unwarranted intrusion of faculty members' political views into the classroom. That corrosive trend has caused some academics to focus merely on their own partisan agendas and to abandon their responsibilities as professional educators with obligations to students of all political persuasions. Such professors have lost sight of the vital distinction between education and indoctrination, which -- as the AAUP recognized in its first report on academic freedom, in 1915 -- is not a legitimate educational function.

Because the intent of the Academic Bill of Rights is to restore academic values, I deliberately submitted it in draft form to potential critics who did not share my political views. They included Stanley Fish, dean of the College of Liberal Arts and Sciences at the University of Illinois at Chicago; Michael Bérubé, a professor of English at Pennsylvania State University at University Park; Todd Gitlin, a professor of journalism and sociology at Columbia University; and Philip Klinkner, a professor of government at Hamilton College. While their responses differed, I tried to accommodate the criticisms I got, for example deleting a clause in the original that would have required the deliberations of all committees in charge of hiring and promotion to be recorded and made available to a "duly constituted authority."

I even lifted wholesale one of the bill's chief tenets -- that colleges and professional academic associations should remain institutionally neutral on controversial political issues -- from an article that Dean Fish wrote for *The Chronicle* ("Save the World on Your Own Time," January 23, 2003). He has also written an admirable book, *Professional Correctness* (Clarendon Press, 1995), which explores the inherent conflict between ideological thinking and scholarship.

Since the Academic Bill of Rights is designed to clarify and extend existing principles of academic freedom, its opponents have generally been unable to identify specific provisions that they find objectionable. Instead, they have tried to distort the plain meaning of the text. The AAUP itself has been part of that effort, suggesting in a formal statement that the bill's intent is to introduce political criteria for judging intellectual diversity and, thus, to subvert scholarly standards. It contends that the bill of rights "proclaims that all opinions are equally valid," which "negates an essential function of university education." The AAUP singles out for attack a phrase that refers to "the uncertainty and unsettled character of all human knowledge" as the rationale for respecting diverse viewpoints in curricula and reading lists in the humanities and social sciences. The AAUP claims that "this premise ... is anti-thetical to the basic scholarly enterprise of the university, which is to establish and transmit knowledge."

The association's statements are incomprehensible. After all, major schools of thought in the contemporary academy -- pragmatism, postmodernism, and deconstructionism, to name three -- operate on the premise that knowledge is uncertain and, at times, relative. Even the hard sciences, which do not share such relativistic assumptions, are inspired to continue their research efforts by the incomplete state of received knowledge. The university's mission is not only to transmit knowledge but to pursue it -- and from all vantage points. What could be controversial about acknowledging that? Further, the AAUP's contention that the Academic Bill of Rights threatens true academic standards by suggesting that all opinions are equally valid is a red herring, as the bill's statement on intellectual diversity makes clear: "Exposing students to the *spectrum of significant scholarly viewpoints* on the subjects examined in their courses is a major responsibility of faculty." (Emphasis added.)

As the Academic Bill of Rights states, "Academic disciplines should welcome a diversity of approaches to unsettled questions." That is common sense. Why not make it university policy?

The only serious opposition to the Academic Bill of Rights is raised by those who claim that, although its principles are valid, it duplicates academic-freedom guidelines that already exist. Elizabeth Hoffman, president of the University of Colorado System, for example, has personally told me that she takes that position.

But with all due respect, such critics are also mistaken. Most universities' academic-freedom policies generally fail to make explicit, let alone codify, the institutions' commitment to intellectual diversity or the academic rights of students. The institutions also do not make their policies readily available to students -- who, therefore, are generally not even

aware that such policies exist.

For example, when I met with Elizabeth Hoffman, she directed me to the University of Colorado's Web site, where its academic-freedom guidelines are posted. Even if those guidelines were adequate, posting them on an Internet site does not provide sufficient protection for students, who are unlikely to visit it. Contrast the way that institutions aggressively promote other types of diversity guidelines -- often establishing special offices to organize and enforce all sorts of special diversity-related programs -- to such a passive approach to intellectual diversity.

At Colorado's Web site, for example, one can read the following: "Sections of the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure have been adopted as a statement of policy by the Board of Regents." Few people reading that article or visiting the site would suspect that the following protection for students is contained in the AAUP's 1940 statement: "Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject."

Is there a college or university in America -- including the University of Colorado -- where at least one professor has not introduced controversial matter on the war in Iraq or the Bush White House in a class whose subject matter is not the war in Iraq, or international relations, or presidential administrations? Yet intrusion of such subject matter, in which the professor has no academic expertise, is a breach of professional responsibility and a violation of a student's academic rights.

We do not go to our doctors' offices and expect to see partisan propaganda posted on the doors, or go to hospital operating rooms and expect to hear political lectures from our surgeons. The same should be true of our classrooms and professors, yet it is not. When I visited the political-science department at the University of Colorado at Denver this year, the office doors and bulletin boards were plastered with cartoons and statements ridiculing Republicans, and only Republicans. When I asked President Hoffman about that, she assured me that she would request that such partisan materials be removed and an appropriate educational environment restored. To the best of my knowledge, that has yet to happen.

Not everyone would agree about the need for such restraint, and it should be said that the Academic Bill of Rights makes no mention of postings and cartoons -- although that does not mean that they are appropriate. I refer to them only to illustrate the problem that exists in the academic culture when it comes to fulfilling professional obligations that professors owe to all students. I would ask liberal professors who are comfortable with such partisan expressions how they would have felt as students seeking guidance from their own professors if they had to walk a gantlet of cartoons portraying Bill Clinton as a lecher, or attacking antiwar protesters as traitors.

The politicized culture of the university is the heart of the problem. At Duke University this year, a history professor welcomed his class with the warning that he had strong "liberal" opinions, and that Republican students should probably drop his course. One student did. Aided by Duke Students for Academic Freedom, the young man then complained. To his credit, the professor apologized. Although some people on the campus said the professor had been joking, the student clearly felt he faced a hostile environment. Why should the professor have thought that partisanship in the classroom was professionally acceptable in the first place?

At the University of North Carolina at Chapel Hill, a required summer-reading program for entering freshmen stirred a controversy in the state legislature last fall. The required text was Barbara Ehrenreich's socialist tract on poverty in America, *Nickel and Dimed: On (Not) Getting By in America* (Metropolitan Books, 2001). Other universities have required the identical text in similar programs, and several have invited Ehrenreich to campus to present her views under the imprimatur of the institution and without rebuttal.

That reflects an academic culture unhinged. When a university requires a single partisan text of all its students, it is a form of indoctrination, entirely inappropriate for an academic institution. If many universities had required Dinesh D'Souza's *Illiberal Education: The Politics of Race and Sex on Campus* (Vintage Books, 1992) or Ann Coulter's *Treason: Liberal Treachery From the Cold War to the War on Terrorism* (Crown Forum, 2003) as their lone freshman-reading text, there would have been a collective howl from liberal faculties, who would have immediately recognized the inappropriateness of such institutional endorsement of controversial views. Why not require two texts, or four? (My stepson, who is a high-school senior, was required to read seven texts during his summer vacation.)



The remedy is so simple. Requiring readings on more than one side of a political controversy would be appropriate educational policy and would strengthen, not weaken, the democracy that supports our educational system. Why is that not obvious to the administrators at Chapel Hill and the other universities that have instituted such required-reading programs? It's the academic culture, stupid.

**Students for Academic Freedom: A New Campus Movement**

By Sara Hebel--Chronicle of Higher Ed, 02/09/04

**Voice of the Opposition**

By Stanley Fish--*The Chronicle of Higher Education*, 02/10/04